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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/678,926	10/05/2003	John W. Shiver	19730CBDA

CONFIRMATION NO. 8183

 Van Dyke & Associates, P.A.
 Suite 252
 7200 Lake Ellenor Drive
 Orlando, FL 32809

FORMALITIES LETTER



OC00000011703715

Date Mailed: 01/16/2004

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- o This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- ▣ For Rules Interpretation, call (703) 308-4216 571.272-0951
- ▣ To Purchase PatentIn Software, call (703) 306-2600
- ▣ For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
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Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Y. G.
Customer Service Center
Initial Patent Examination Division (703) 308-1202
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PTO/SB/21 (02-04)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/678,926
	Filing Date	10/05/2003
	First Named Inventor	John W. Shiver
	Art Unit	1648
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	19730CBDA

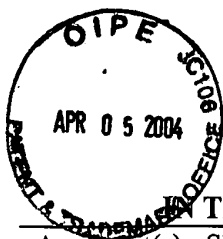
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	2. Form PTO-2038
<input type="checkbox"/> Certified Copy of Priority Document(s)		3. Paper copy of Sequence Listing
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application		4. Formalities Letter (Confirmation No. 8183)
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Joseph Fischer (Reg. No. 51,210) Beusse, Brownlee, Wolter, Mora & Maire, P.A.
Signature	
Date	April 1, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Grayce A. Lichtenberger
Signature	
Date	April 1, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Shiver *et al.*

Application No.: 10/678,926

Filed: 10/5/2003

Group Art Unit: 1648

Title: SYNTHETIC HIV GAG GENES

Attorney Docket Nos.: 19730CBDA (old);
10509-051 (new)

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES, 37 C.F.R. 1.821-1.825, AND PETITION FOR ONE-MONTH EXTENSION FOR RESPONSE

To: Mail Stop Missing Parts
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Applicant respectfully petitions and requests a one-month extension under 37 CFR 1.136(a) to respond to the above-referenced and enclosed Notice to Comply. A form 2038 is attached, providing the payment due of \$110.00 for this one-month extension. This extends the date for a Response to the Notice to Comply to April 16, 2004.

In response to the Notice's requirement to comply with the requirements of 37 C.F.R. 1.821-1.825, the following is provided:

Provided with this Response is a written copy of the "Sequence Listing" for this Application in accordance with 37 C.F.R. 1.821(c). This is a copy of the paper copy from the immediate parent application, U.S. Application No. 09/974,702, filed 10/09/2001, and entitled, "SYNTHETIC HIV GAG GENES". This copy also is identical with the copy supplied with the earlier parent applications, U.S. Application No. 09/017,981, filed 02/03/1998, and U.S. Application No. 09/340,871, filed 06/28/1999, both also entitled "SYNTHETIC HIV GAG GENES."

The claims as filed comply with 37 C.F.R. 1.821(d).

The Applicant respectfully requests that the U.S. Patent Office use as the electronic copy for the present application the compliant computer readable "Sequence Listing" that is already

on file in the parent application, U.S. Application No. 09/974,702, filed 10/09/2001, entitled "SYNTHETIC HIV GAG GENES." The Applicant states that the paper copy of the "Sequence Listing" in the present application is identical to the computer readable copy filed for this parent application. This is in accordance with 37 C.F.R. 1.821(e). Applicant also notes that the paper copy of the "Sequence Listing" is identical with compliant computer readable "Sequence Listing" in the earlier parent applications, U.S. Application No. 09/017,981, filed 02/03/1998, and U.S. Application No. 09/340,871, filed 06/28/1999, both also entitled "SYNTHETIC HIV GAG GENES."

In accordance with 37 C.F.R. 1.821(f), I hereby state that the sequence listing information recorded in the compliant computer readable "Sequence Listing" of the parent application 09/017,981 is identical to the written paper copy of the "Sequence Listing," provided herein.

In accordance with 37 C.F.R. 1.821(g), I hereby state that the content of the paper copy of the "Sequence Listing" and the compliant computer readable "Sequence Listing" from the parent U.S. Application No. 09/974,702 contain no new matter.

The Applicant believes that all requirements under of 37 C.F.R. 1.821-1.825 are met with the above provided information and statements. Should the U.S. Patent Office find that any requirement has not been fully met, it is respectfully requested that the Attorney indicated below be contacted by telephone and provided an opportunity to fully comply with all requirements under 37 C.F.R. 1.821-1.825.

DATED: April 1, 2004

Respectfully submitted,

By


Joseph Fischer, Reg. No. 51,210

Customer No: 29847

Telephone: 407-926-7727

Facsimile: 407-926-7720

Serial No: 09/974,702

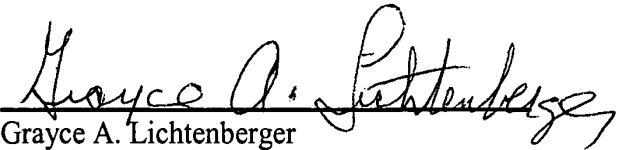
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Attorney Docket Nos: 19730CBDA (old); 10509-051 (new)



CERTIFICATE OF MAILING

I HEREBY CERTIFY that this Response To Notice to Comply With Requirements For
Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence
Disclosures, 37 C.F.R. 1.821-1.825, And Petition For One-Month Extension For Response is
being deposited with the United States Postal Service as first class mail in an envelope addressed
to: Mail Stop Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on this 1st day
of April, 2004.


Grayce A. Lichtenberger